



Entered on Docket  
March 18, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa  
United States Bankruptcy Judge

**WILDE & ASSOCIATES**

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U.S. Bank National Association, as Trustee, on behalf of the holders of the Home Equity Asset Trust  
2005-4 Home Equity Pass Through Certificates, Series 2005-4  
09-77331

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In Re:

Agustin Tovar and Sherri L. Fabre'

Debtors

BK-09-29744-MKN

Date: 2/24/2010  
Time: 1:30 pm

Chapter 13

**ORDER VACATING AUTOMATIC STAY**

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Automatic Stay in the  
2 above-entitled bankruptcy proceedings is immediately vacated and extinguished for all purposes as to  
3 Secured Creditor U.S. Bank National Association, as Trustee, on behalf of the holders of the Home  
4 Equity Asset Trust 2005-4 Home Equity Pass Through Certificates, Series 2005-4, its assignees and/or  
5 successors in interest, of the subject property, generally described as 320 Searchlight Drive, Las Vegas,  
6 NV 89110, and legally described as follows:  
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8 PARCEL I:

9 LOT THIRTEEN (13) OF MAGNOLIA ESTATES, AS SHOWN BY MAP THEREOF ON  
10 FILE IN BOOK 73 OF PLATS, PAGE 62, IN THE OFFICE OF THE COUNTY RECORDER  
11 OF CLARK COUNTY, NEVADA.

12 PARCEL II:

13 TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND  
14 PREDESTRIAN INGRESS AND EGRESS OVER THOSE PORTIONS OF THE ABOVE  
15 REFERENCED MAP LYING WITH "PRIVATE DRIVE"

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give  
17 Debtors at least five business days' notice of the time, place and date of sale.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Secured Creditor hereby  
2 withdraws its secured Proof of Claim filed in this matter. The Secured Creditor shall notify the Trustee of  
3 the completion of the foreclosure sale. If applicable, Secured Creditor may thereafter amend its secured  
4 Proof of Claim to an unsecured Proof of Claim no later than forty-five (45) days after the foreclosure sale.

5 DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

6 Submitted by:

7 **WILDE & ASSOCIATES**

8 By: 

9 **Gregory L. Wilde, Esq.**

Attorney for Secured Creditor

10 212 South Jones Boulevard

11 Las Vegas, Nevada 89107

12 APPROVED / DISAPPROVED

13 By: \_\_\_\_\_

Lawrence D. Rouse

14 523 South Eighth Street

Las Vegas, NV 89101

15 Attorney for Debtor(s)

16 Nevada Bar No: \_\_\_\_\_

18 APPROVED / DISAPPROVED

19 By: \_\_\_\_\_

20 Kathleen A. Leavitt

21 201 Las Vegas Blvd. So., #200

Las Vegas, NV 89101

22 Chapter 13 Trustee



1 In accordance with Local Rule 9021, the undersigned counsel certifies as follows (check one):

2 ☐ The court waived the requirements of LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☐ No parties appeared or filed written objections, and the trustee is the movant.

5 ☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a  
6 copy of this proposed order to all counsel who appeared at the hearing, and any trustee  
7 appointed in this case, any unrepresented parties who appeared at the hearing, and each has  
8 approved or disapproved the order, or failed to respond, as indicated below:

9 Debtor's counsel:

10 ☐ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☒ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☐ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☒ failed to respond to the document

17 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all  
18 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented  
19 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to  
20 respond, as indicated below.

21 Debtor's counsel:

22 ☐ approved the form of this order ☐ disapproved the form of this order

23 ☐ waived the right to review the order and/or ☐ failed to respond to the document

24 ☐ appeared at the hearing, waived the right to review the order

25 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

26 Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed  
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor